

ESTTA Tracking number: **ESTTA496393**

Filing date: **09/25/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91202219
Party	Plaintiff Eat Right Foods Ltd.
Correspondence Address	SIMONE M KATZ ONEILL SHARTISIS FRIESE LLP ONE MARITIME PLAZA, 18TH FLOOR SAN FRANCISCO, CA 94111 UNITED STATES skatz@sflaw.com
Submission	Plaintiff's Notice of Reliance
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Filer's e-mail	jmartin@sflaw.com, jmauch@sflaw.com, calendar@sflaw.com
Signature	/s/ Joseph V. Mauch
Date	09/25/2012
Attachments	Notice of Reliance No. 28.pdf ( 7 pages )(4713610 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

EAT RIGHT FOODS LTD.,

Opposer,

v.

KEVIN LEVILLE,

Applicant.

Opp. No.: 91202219

Ser. No.: 77/868,068

Date of Publication:  
April 26, 2012

**OPPOSER EAT RIGHT FOODS LTD.'S**  
**NOTICE OF RELIANCE NO. 28**

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that, pursuant to 37 C.F.R. § 2.122(e) and 704.08(b) of the Trademark Trial and Appeal Board Manual of Practice and Procedure, Opposer Eat Right Foods Ltd. provides Notice of Reliance on material published on the Internet at [http://www.shopnbc.com/Eat\\_Right\\_America\\_Snack\\_Bars\\_15\\_Count/000-072.aspx](http://www.shopnbc.com/Eat_Right_America_Snack_Bars_15_Count/000-072.aspx), accessed and publicly available on September 24, 2012, submitted herewith. The material being offered is relevant to applicant Kevin Leville's use of the applied-for mark in commerce, the goods and services on which Applicant uses his mark, the channels of trade in which Applicant markets and sells such goods and services, and the likelihood of confusion between Applicant's applied-for mark and Opposer's registered marks.

Dated: September 25, 2012.

Respectfully Submitted,  
SHARTSIS FRIESE LLP

By: \_\_\_\_\_

  
JOSEPH V. MAUCH

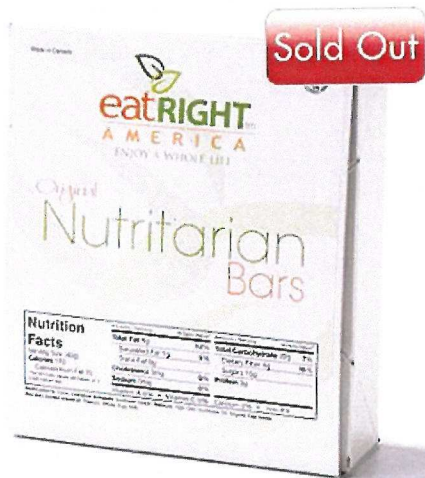
Attorneys for Opposer  
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Cozelle™ Microfiber Dobby Stripe & Solid 2-Pack 4pc Sheet Set  
ShopNBC Price: \$43.49

Description

Product Reviews

Eat Right America Snack Bars - 15 Count

A delicious and healthy snack bar made from dates, nuts and seeds.

Snack bars include:

15 bars - 40 grams per bar

FLAVOR CHOICES:

Apple Cinnamon  
Original  
Chocolate

BENEFITS:

The Eat Right America Program is one of the nation's most "personalized" weight management and nutrition programs. Developed over the past twenty-years by one of the world's most well know physicians, Joel Fuhrman MD. The program has produced unprecedented results. A 2008 Published Peer Review in Alternative Therapies Magazine produced an average weight loss of 38lbs in 18 months. Based on a universally accepted philosophy, you are what you eat, the Eat Right America Program is designed to meet the needs of an undernourished nation.

According to the USDA, despite all of our over-eating, the vast majority of Americans do not get the minimum daily requirement of nutrients. A combination of over-eating, food and sugar cravings and find it hard to lose weight and keep it off. Therefore, it only makes sense that a properly nourished body will seek its ideal weight and stay there. As fruits, nuts and seeds are an important part of the Eat Right America lifestyle, so they have developed a delicious and healthy snack bar made from dates, nuts and seeds.

HOW TO USE:

Two a day will give the proper balance of nuts each day.



**INGREDIENTS:**

**Chocolate:** Dates, Cashews, Cocoa Powder, Almonds, Sunflower Seeds, Walnuts, High Oleic Sunflower Oil, Vanilla Extract, Organic Flax Seeds.  
May also contain traces of: Peanuts, Wheat, Egg, Milk

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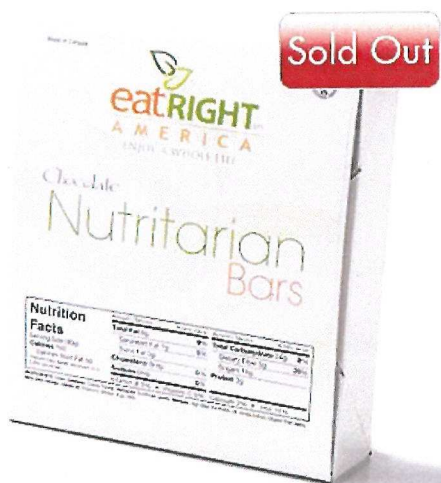
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